IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

W.P.NO.1279 OF 2006

Qari Mohammed Zakir Hussain ..Petitioner

Vs.

Maharashtra Hsg. and Area Development Authority and 12 Ors. ..Respondents

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Mr.A.V.Anturkar with Mr.S.M.Kamble Advocate for Petitioner
Mr.R.M.Sawant Govt. Pleader for Respondent Nos.1 and 2
Mr.G.D.Utangale Advocate for Respondent No.3
Ms.T.Puranik Advocate for Respondent No.4
Mr.Subhash Jadhav i/b ALMT Legal for Respondent Nos.5 and 6
Mr.S.Khaire Advocate for Respondent No.9
Mr.J.B.Patel Advocate for Respondent No.13
Mr.Balchandra Patil Advocate for Respondent No.12

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CORAM: F.I.REBELLO AND SMT.V.K.TAHILRAMANI,JJ.
DATE : JULY 13, 2006

P.C.

1. On behalf of petitioner, the learned counsel assailed the advertisement inviting tenders firstly, on the ground that the construction sought to be put up is on a property identified as CTS No.A/791 which is a part of the transit camp land. The learned

counsel was asked whether the proposed site is at CTS No.A/791 of the Society. The learned counsel fairly concedes that it is so. Once that be the case, the petitioner would be aware that CTS No.A/791 was part of the proposed site. Hence, the contention raised on that count, has to be rejected.

2. It is then set out that the total area for development as seen from the affidavit of the Respondent, works out over 3 Hectors, whereas the advertisement was for 3 Hectors. A perusal of the advertisement indicates that it was for about 3 Hectors. Apart from that, the learned Government Pleader points out that land of Co-Operative Society was partly on the land for which development rights are being given. Hence, it will not be possible for this Court to exercise extra ordinary writ jurisdiction.

3. Apart from that the Government Pleader draws our attention to the earlier petition filed by the petitioner i.e. W.P.No. 555 of 2005. It is pointed out that though the present petition, the petitioner is espousing the same cause as the prayers are similar and or on similar lines as sought in the

earlier petition. That petition came to be dismissed by this Court. The matter was taken to the Apex Court, the SLP was dismissed.

4. Considering the above facts, in our opinion, there is no merit in this petition. At any rate, it is not a fit case for us to exercise our extra ordinary jurisdiction. Hence, petition is rejected.

[F.I.REBELLO, J.]

[SMT.V.K.TAHILRAMANI,J.]